GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home Department – Special Remission – Implementation of the Advance Orders of the Hon'ble High Court of Andhra Pradesh in W.P.No.10962/2019, dated,23.9.2019 – Release of Life Convict Prisoner Sri Sai Kesavulu Reddy, S/o S. Shekar, Convict Prisoner No. 5394, Central Prison, Kadapa.–Granted – Orders - Issued.

HOME(PAROLE & HRC) DEPARTMENT

G.O.Rt.No.**1035** Dated:28/10/2020

Read the following:-

1. G.O.Ms.No. 06, Home(Paroles & HRC) Department, dt: 09.01.2019.
2. From the Director General of Prisons and Correctional Service, Andhra Pradesh,Vijayawada,lr.No.RC-2/37/2019, dt:9.10.2019 and dt. 16.10.2019.

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ORDER:

The Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada, in the reference 2nd read above, has informed that the Convict Prisoner No. 5394 Sai Kesavulu Reddy S/o S. Shekar was sentenced to undergoing life imprisonment under section 302 IPC, in SC No. 264/2006 dated 05.08.2008 by the Hon'ble Special Session judge –cum-IV additional District and Sessions Judge, Chittoor District at Thirupati and was lodged in Central Prison, Kadapa.

2. While he was confined in Central Prison, Nellore, he has committed the following prison offences:

i. Making unnecessary allegations against the prison officers
ii. Instigation of other prisoners not to take any food and thereby causing problems to the prison administration.
iii. Instigated other prisoners to revolt against prison administration.
iv. Refused to take food, sat in the middle of the prison accompanied by other prisoners portraying their act as a protest, instigated sick prisoner not to take Medication and food.

3. Accordingly, he was awarded the following punishments as per Rule No.310, of Andhra Pradesh Prisons Rules, 1979 vide their Office Order No.RC-2/46/2013, Dated 25-02-2014 for the above offences:

i. Forfeiture of remission already earned by him.
ii. Exclusion of availing Parole / furlough leave for a period of next one year.

4. Government, vide G.O.Ms. No.6, Home(Paroles) Department, date 09-01-2019 have issued guidelines for recommending for grant of special remission to the eligible life convicted prisoners for their premature release on the occasion of Republic Day, 2019. As per the guidelines issued in the said G.O, at para No.8, under category II of (iv) which is a barring clause for release of life convicts:-

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iv) Life convicts who are punished for any prison offence during the last 3 preceding years and those who are punished for any serious prison offence like revolt / organising revolt against the prison administration anytime during their entire period of stay in the prison.

As per the above barring clause, the said prisoner name has not come under the consideration zone for premature release by granting special remission.

5. Aggrieved by the above said order Sri Sai Kesavulu Reddy, convict prisoner filed a Writ Petition No.10962 of 2019 before the Hon'ble High Court of Andhra Pradesh, Amravati for not considering his case for grant of special remission and to release him from the prison in terms of G.O.Ms.No.6, Home (Paroles) Department, dated 09-01-2019.

6. The Hon'ble High Court of Andhra Pradesh while disposing the WP No.10962/2019 in their advance orders dated 23-09-2019 have directed as under:-

"In the result, the writ petition is allowed. The respondents are directed to forthwith release the convict prisoner, namely Sai Kesavulu Reddy (CT No.5394) S/o S. Sekhar by extending the remission granted under GOMs No.6, dated, 09-01-2019, if he is not required in any other crime".

7. The Director General of Prisons and Correctional Services, A.P., has further stated that, the Advocate General, High Court of Andhra Pradesh was requested to suggest for further course of action on advance Orders of the Hon'ble High Court of A.P. Dated: 23.09.2019 in W.P.No. 19062 of 2019, for taking further necessary action in this regard as the said prisoner is not eligible for grant of Special Remission as per G.O.Ms.No. 06, Home (Parole) Department Dated: 09.01.2019.

8. The Advocate General, High Court of Andhra Pradesh has opined as under:-

"The Hon'ble High Court after hearing the arguments on either side extensively passed orders to forthwith release the convict prisoner, namely Sai Kesavulu Reddy (CT No.5394) S/o S. Sekhar, by extending the remission granted under GOMs No. 06, dated 09-01- 2019. The advance orders issued by the Hon'ble High Court contains only the operative portion and it has not contained the detailed grounds and reasoning to come to conclusion that this particular case comes under the purview of GOMs No. 06, dated 09-01-2019 in order to release the life convict prematurely. Therefore, at this juncture, it is advised to release the life convict in compliance with the orders passed by the Hon'ble High Court by following due process of law to avoid contempt proceedings".

9. The Director General of Prisons and Correctional Services, A.P., has requested the Govt. to take further course of action for forthwith release of the Convict Prisoner No.5394, Sai Kesavulu Reddy S/o S. Sekhar of Central Prison, Kadapa in the light of the advance orders dated: 23-09-2019 issued by the Hon'ble High Court of Andhra Pradesh in W.P.No.10962/2019 and also on the advice of the Advocate General, Andhra Pradesh to avoid contempt of Court proceedings.

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10. Government after careful examination of the matter in exercise of the powers conferred under Article 161 of the Constitution of India, read with section 432 of the Code of Criminal Procedure, 1973,(Central Act 2 of 1974), the Governor of Andhra Pradesh hereby remits the unexpired residual sentence of the Convict Prisoner No.5394, Sai Kesavulu Reddy S/o S. Sekhar of Central Prison, Kadapa duly obtaining following conditions:-

a. All premature releases under this G.O. shall be subject to execution of a Personal Bond of Rs. 50,000/- (Rupees fifty thousand only).
b. The prisoners after release shall appear before the Probation Officer and Police Station concerned once in (3) three months till the completion of unexpired portion of sentence.
c. Re-arrest of the released prisoners, on cancellation of the remission granted under this G.O. in case he/she commits any criminal offence.

11. The grant of this Special Remission is being done subject to the final orders being passed by the Hon'ble Supreme Court of India while answering the referral order in W.P. (Crl) No. 48/2014 filed by Union of India Vs. V. Sriharan @ Murugan & others.

12. The Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada, shall take necessary action for release of the Convict Prisoner No.5394, Sai Kesavulu Reddy S/o S. Sekhar of Central Prison, Kadapa.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Prisons and Correctional Services,
Andhra Pradesh, Vijayawada.
The Director General of Police, Andhra Pradesh, Mangalagiri.
(through the Director General of Prisons & Correctional Services, Andhra Pradesh,Vijayawada).
The Superintendent of Jail, Central Prison,Kadapa.(through the Director General of Prisons & Correctional Services, Andhra Pradesh, Vijayawada).
Copy to :-
The Commissioner, Information & Public Relations, Vijayawada, Andhra Pradesh.
The P.S to Chief Secretary to Government.
The P.S to the Hon'ble Governor of Andhra Pradesh,
The P.S to Principal Advisor to the Hon'ble Chief Minister.
OSD to Hon'ble Minister (Home).
The P.S to Secretary to Hon'ble Governor of Andhra Pradesh.
The Law (C) Department.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER